



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 12, 2013

Agenda Item: Applications for Type II Certificates of Appropriateness (CA2-13-122) for the construction of a patio and accessory structure at **200 Estoria Street**- Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Applicant: Todd Kane
200 Estoria Street

Facts: According to the Cabbagetown District Inventory, 200 Estoria Street is a vacant lot. A new house was approved in 2006. In looking at pictures submitted by the Applicant, most of the proposed work has been completed without the appropriate permits.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark buildings and sites:

(b) To change the exterior appearance of any structure within any Landmark District;

Sec. 16-20A.005. Certificates of appropriateness.

Certificates of appropriateness within this district shall be required as follows:

(1) *When required:*

(b) To erect a new structure or to make an addition to any structure within the district;

Sec. 16-20A.006. General regulations.

The following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

(1) *Minimum standards.* These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.

(2) *The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.*

- (3) *Applications.* Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application shall also include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.
- (4) *Additional notification.* The applicant shall be given contact information for interested Cabbagetown community organizations and shall be directed to provide the organization with a copy of the submitted application and attachments within three (3) days of submission to the commission.
- (5) *Cabbagetown design guidelines.* The commission shall adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines shall: further the intent of these regulations; further define elements of architectural style and applicability; provide important additional detailed information regarding the construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.
- (6) *The compatibility rule.*
- a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) *Variances.* Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) *Minimum lot requirements.* There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (16) *Accessory Structures and Uses.* Accessory structures and uses that are customarily incidental and subordinate to permitted principal uses and structures are allowed. These include the following, subject to limitations and requirements set forth herein or elsewhere in this part:
- a) carriage houses, tool and garden sheds, greenhouses, private garages and similar structures shall be unattached, located to the rear of the principal building within the buildable area of the lot, and shall not project beyond the front of the principal building. In addition, they shall be located in the least visible location within permissible areas. The commission may require screening with appropriate plant or fence materials if said structure is visible from the public right of way;
 - b) satellite dishes, devices for the generation of energy, such as solar panels, shall be attached to a building and shall not be visible from any public right of way; and home occupations
- (18) *Fences and walls.*
- c) Fencing, walls, and retaining walls are subject to design review by the commission.
 - d) Fences shall not exceed four (4) feet in the front or the half-depth yards.
 - e) Fences and walls shall not exceed six (6) feet in the side or rear yards.
 - f) Fences shall be constructed of wood or chain link. Barbed wire and razor wire are prohibited.
 - g) *Retaining Walls.* Retaining walls located adjacent to a public right of way shall have a maximum height of two feet from sidewalk grade and shall be faced with either stone, brick, or smooth stucco, whichever predominates on that block face. Stacked stone is not permitted. The combined height of a fence and retaining wall adjacent to a sidewalk shall not be greater than four feet from sidewalk grade. The combined height of a fence and retaining wall in a side or rear yard shall not exceed six (6) feet. See section 16-29.001(25).

Sec. 16-20A.009. Shotgun and cottage housing (subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- (1) *Shotgun Housing.* Shotgun housing is a style typified by simple structures whose width is no more than that of one (1) room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
- (2) *Cottage Housing.* Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and facade features, and consistent structure massing.
- (3) *Permitted principal uses and structures.* A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
 - b) Two-family dwellings existing at the time of the adoption of these regulations. Two-family dwellings, originally built as duplexes, shall be permitted even if the use has lapsed for more than a year.
 - c) Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.
- (4) *Permitted accessory uses and structures.* In addition to the uses and structures listed in 16-20A.006(16), the following are allowed, subject to limitations and requirements set forth herein or elsewhere in this part:
 - a) In-ground swimming pools and similar active recreation facilities subject to the following limitations. Such active recreation facilities in any yard, required or other, adjacent to a street shall require a special exception from the commission, which special exception shall be granted only upon finding that:
 1. The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and the applicant shall contact the adjoining neighbors about the special exception and provide written letters to the commission from the adjoining neighbors regarding the propriety of the special exception.
 2. The area for such activity could not reasonably be located elsewhere on the lot.
 3. The commission may condition any special exception for such facilities based on concerns regarding visibility from public right of way, fencing, screening, or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.
- (6) *Minimum lot requirements.* In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (7) *Maximum building height and width.* The compatibility rule shall apply.
- (13) *Fencing and walls.*
 - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right of way.
 - b) Variances for the height of walls or fences may be granted by the commission.
 - c) Walls shall be constructed of wood.

The Applicant is proposing to construct a patio with stone pavers, ground cover, cedar planter beds and lattice screen walls to conceal the A/C units. In general, Staff has no concerns regarding the construction of the patio or the building materials. Staff does have a concern regarding the existing retaining wall and privacy wall. Per regulations, the combination of fences and retaining walls shall not exceed 6' in height. Staff recommends the Applicant provide documentation that the existing privacy wall and retaining wall are no taller than 6'.

The Applicant is proposing to install a pergola, hot tub and outdoor grill. In general, Staff does not have concerns regarding the design or materials of the proposed accessory structures. Staff would note that the pergola, hot tub and outdoor grill are considered accessory structures and therefore are required to meet the setback requirements. The Applicant has provided some setback information, however it is not clear what this information refers to and how it was gathered. As the proposal is for accessory structures, the comparison should be to other accessory structures.

Based on the information we have at this time, Staff cannot determine whether the proposed accessory structures meet the setback requirements. Staff recommends the Applicant submit appropriately scaled plans that indicate all proposed work. Staff recommends the Applicant provide documentation all proposed accessory structures meet the setback requirement.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20A.006 and 16-20A.009, with the exception of the notes above;

Staff recommends approval of Application for a Type II Certificate of Appropriateness (CA2-13-122) for the construction of a patio and accessory structure at **200 Estoria Street**- Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline, with the following conditions:

1. The Applicant shall provide documentation that the existing privacy wall and retaining wall are no taller than 6', per Section 16-20A.006(18);
2. The Applicant shall submit appropriately scaled plans that indicate all proposed work, per Section 16-20A.006(9);
3. The Applicant shall provide documentation all proposed accessory structures meet the setback requirement per Section 16-20A.006(9); and
4. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT June 12, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-124) for signage at **421 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 5)/Beltline.

Applicant: Joyce King
421 Edgewood Avenue

Facts: According to the neighborhood inventory, this commercial building was built in 1906 and is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark Districts:

a. To change the exterior appearance of any Landmark Building or Site;

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

(1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.

(2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.

(3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.

(4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.

(5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a “compatibility rule” which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the “compatibility rule.”

(15) *Building facades, roofs, and other elements visible from the street right-of-way:*

- a. Alteration and addition to building facades, roofs, porches, foundations and other exterior elements shall conform to these regulations and to the guidelines adopted and applied by the AUDC.

Per Section 16-20.009. Further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) (27) *M.L. King, Jr. Landmark District.* The following signs shall be permitted in the M.L. King, Jr. landmark district:
 - (9) a. *General Regulations: Signs* within the M.L. King, Jr. landmark district are subject to the following regulations:
 - (10) 1. No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
 - (11) 2. No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the urban design commission of a certificate of appropriateness as specified in chapter 20 of this part.
 - (12) 3. One (1) identification sign, not exceeding 20 square feet in sign area, shall be permitted for multi-family uses.
 - (13) 4. For all other uses permitted in this district, one (1) identification sign per street frontage shall be permitted. Such sign shall not exceed 35 square feet in sign area.
 - (14) f. *Edgewood Commercial Corridor (Subarea 5):* The sign regulations for Edgewood commercial corridor (Subarea 5) shall be the same as the regulations for the SPI-1 (Central core) district, provided that:
 - (15) 1. No individual sign shall exceed 100 square feet in sign area.
 - (16) 2. No freestanding sign shall exceed 20 feet above ground level.
 - (17) 3. No projecting sign shall exceed eight (8) square feet in sign area.
 - (18) 4. Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
 - (19) 5. Sign shall be located as follows:

- (20)i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
- (21)ii. On or in display windows or upper facade windows.
- (22)iii. On or in the glazing of the doors.
- (23)iv. On the valance of awnings.
- (24)v. On the fascia or top edge of canopies.
- (25)vi. Projecting perpendicularly from the building.
- (26)6. No changing signs shall be permitted.
- (27)7. No internally illuminated signs shall be permitted.

(28)SPI-1 Downtown District:

(29)a. General Regulations: Signs within SPI-1 Downtown District are subject to the regulations set forth in this section (12). For purposes of this section (12), "street" means public streets and private streets, as well as associated public right-of-way including public right-of-way accessible only to pedestrians.

(30)b. Building Business Identification Signs:

(31)1. Type: Wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs, and marquee signs shall be permitted. Only one of the signs may be either suspended or projecting along each street frontage per business establishment, provided that corner business establishments may have two projecting signs limited to one projecting sign per street frontage.

(32)2. Number:

(33)(a) Sidewalk-Level Business Establishments: A maximum of three business identification signs shall be allowed for each business establishment on the sidewalk-level of a building. For the purposes of this section (12), "sidewalk-level" shall be as defined by Section 16-18A.005(3) except where additional signage identifying the business is authorized on a monument sign or multi-tenant sign.

(34)(b) Second-Level Business Establishments: A maximum of three business identification signs shall be allowed for each second-level business establishment engaged in a permitted use listed under the commercial/retail and institutional headings of the Use Table in Section 16-18A.006 and having a facade that faces a street except where additional signage identifying the business is authorized on a monument sign or multi-tenant sign. For purposes of this section (12), "second-level" means the building floor level immediately above sidewalk-level.

(35) (c) Corner Business Establishments: One additional business identification sign shall be allowed for each business establishment occupying a corner space that faces two streets and is located on the sidewalk-level or second-level, provided such sign is oriented toward the additional street.

(36)3. Area: Where a business establishment is permitted to have business identification signs, the following regulations shall apply:

(37)(a) Sidewalk-Level and Second-Level Business Establishments: The combined area of the business identification signs except for that signage on monument signs or multi-tenant signs if allowed shall not exceed ten percent of the total area of the walls of the business establishment that face the street but at least 60 square feet of combined sign area is allowed for each business establishment.

(38)(b) Corner Business Establishments: The area of the additional sign authorized by subsection (12)b.2.(c.) shall not exceed ten percent of the total area of the walls of such business establishment that face the additional street, or 60 square feet, whichever is less and this calculation shall exclude that signage on monument signs or multi-tenant signs if allowed.

(39)(c) No individual sign shall exceed 200 square feet.

(40)4. Height: The height limitation set forth in Section 16-28A.007(m) may be exceeded as follows:

(41)(a) Subject to subsection (12)b.4.(a.) above, no portion of a business identification sign for a sidewalk-level business establishment shall be located more than 40 feet in height above the elevation of the nearest sidewalk clear zone.

The Applicant is proposing to renovate the existing storefront and install a new sign. In looking at survey pictures, the existing building has a metal roll up door covering the storefront. In speaking with the Applicant, Staff found the roll up door is actually attached to the building and is being used as the storefront. As the existing roll up door is clearly not original, historic or appropriate, Staff has no concerns with its removal.

The Applicant is proposing to use a mixture of new and historic materials to restore two door openings and install a new storefront. The storefront features three windows with transoms above and wood panel below. The Applicant provided pictures of other buildings on Edgewood with similar designs. In particular, Staff finds the proposed design and materials are nearly identical to the storefront at 488 Edgewood. Staff finds the proposed storefront renovation is consistent and compatible with other similar buildings in the district. Staff finds the proposed renovations are a vast improvement to the existing conditions.

The Applicant is proposing to install a new sign. Staff finds the proposed sign is appropriately placed above the transom windows and below the second floor windows. While Staff finds the overall design of the sign is appropriate, Staff finds the materials and how the sign will be attached to the building is not clear. Staff recommends the Applicant provide the material details of the sign and whether any lighting will be included. Staff recommends the Applicant clarify how the sign will be attached to the building. To avoid damage to the historic brick, Staff recommends the sign be mounted into the mortar joints. Lastly, per regulations, the proposed sign cannot exceed 10 percent of the wall area. The plans do not indicate whether the wall percentage requirement has been met. Staff recommends the Applicant provide documentation the wall percentage requirement has been met.

Staff Recommendations: Based upon the following:

1) The plans meet the regulations, per Section 16-20C.003 and 16-20.009, with the exceptions of the comments noted above;

Staff recommends approval of the Application for a Type II Certificate of (CA2-12-121) for signage at **591 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 5), with the following conditions:

1. The Applicant shall provide the material details of the sign and whether any lighting will be included;
2. The Applicant shall clarify how the sign will be attached to the building;
3. The sign shall be mounted into the mortar joints, per Section 16-28A.010(12)(a)(1);
4. The Applicant provide documentation the wall percentage requirement has been met, per Section 16-28A.007(v)(4); and
5. Staff shall review and if appropriate, approve the final plans.



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MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 12, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-129) for a variance for alternative materials, design, and location of an arbor/ porch alteration that do not meet the District regulations and (CA2-13-128) for the construction of an arbor / porch alterations at **615 Gaskill Street** – Property is zoned Cabbagetown Landmark District (Subarea 3).

Applicant: Loiuse Suissa
615 Gaskill Street

Facts: The property is located on the southeast corner of Gaskill Street and Iswald Street. The “Mill House” is considered contributing to the District. The arbor / porch alteration was built a year or two ago to cover an existing set of stairs that lead from the front porch to the large side yard adjacent to Iswald Street.

The Applicant has applied for a three part variance as to the material, design, and location of the arbor / porch alteration.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the Cabbagetown Landmark District.

Certificates of Appropriateness within this district shall be required as follows:

(1) When required:

- a) To change the exterior appearance of any portion of a structure within the district;
- b) To erect a new structure or to make an addition to any structure within the district;
- c) To demolish or move any contributing structure, in whole or in part, within the district;
- d) To construct off-street or off-site parking;

Per Section 16-20A.006 (General Regulations) of the Atlanta Land Development Code, as amended, the following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the

contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."

- b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
- a) General criteria:
 - 2. The general façade organization and proportions shall be subject to the compatibility rule.
 - 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - b) Facades:
 - 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
 - c) Roofs:
 - 1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
 - 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.
 - e) Porches:
 - 1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 - 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 - 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 - 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
 - f. Site development, sidewalks and curbs:
 - 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 - 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 - 3. Curbing shall be granite; poured concrete shall not be used.

4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:
- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
 - d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
 - e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.

Per Section 16-20A.009 (Shotgun and cottage housing - subarea 3), the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- (2) Cottage Housing. Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and facade features, and consistent structure massing.
- (6) Minimum lot requirements. In addition to the setback requirements in section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (9) Roofs
- a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) Porches.
- a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variance Analysis

The arbor / porch alteration was constructed a year or two ago without a building permit. It is located on the right hand side of the front porch of the Mill House, facing the large side yard of the subject property. The large side yard is in turn bordered by Iswald Street. The arbor was constructed to cover existing side steps that already went down into the yard to prevent debris from coming onto the steps and creating a trip, slip, or fall hazard for the property owner. The potential hazard to the property owner is heightened by her medical condition, as described in her application materials.

The Staff finds that the constructed arbor / porch alteration has three characteristics that necessitate a variance request: materials (PVS), design (enclosure with lattice and arched canopy), and location (over the side stairs of a front porch facing the side yard and in the front setback area).

In general, the Staff agrees with the Applicant that the covering of the side stairs would help prevent debris from falling on the side stairs and that side of the front porch. It also agrees that taking into account the Applicant's documented medical condition, a lack of covering for the stairs would limit her access to her side yard or make the access more hazardous. The Staff would note the location of the arbor / porch alteration (and thus is front yard setback – the distance to Gaskill Street) is dictated by the access point off of the side of the porch. Lastly, the Staff would note that the arbor / porch alteration appears to be the smallest size, height, and width that would allow for reasonable access off of the front porch.

Limiting access to the side yard normally would not be too significant to a property owner in the District given that many side yards (if they exist at all) only provide enough space for access to the rear yard, some storage, or a small walkway of some sort. However, for this property owner and for this property, the more limited access would be a hardship for three reasons. First, the lot is unusually wide for the block face and generally wider than lots in this part of the District. Second, most properties on the block face (and in the District as a whole) usually do not have such large side yards which in this case is caused by the shifted location of the house on the property. Both of these characteristics are particular and extraordinary to this lot. Third, the side yard could not otherwise be accessed by the property owner from the front of the house without using the public sidewalk to get there.

Further, the Staff finds that the arbor / porch alteration could in some ways be considered like a very small addition to the house, in that it is an added element vs. a renovation or true alteration of the front porch itself. As such, the use of more contemporary materials would not cause a substantial detriment to the intent of the District regulations just as the use of cementitious siding on a full-scale addition would not cause a detriment (and is in fact allowed by the District regulations). This lack of detriment is also supported by the ability for the arbor / porch alteration to be removed without causing permanent damage or change to the original front porch or causing the loss of historic materials.

In summary, the Staff finds that there are several factors that are unique in this application: the property owner's documented medical condition, the size and width of the property, the size and utility of the side yard, and the potential lack of access to the side yard from within the property. These factors document that there are extraordinary conditions particular to this piece of property, a hardship would be created without the variance being granted, there are peculiar conditions at this property, and there would not be substantial detriment to the intent of the District regulations.

However, the Staff does find that alternative solutions do exist for accomplishing the covering the side stairs. Of all of the elements of the design of the arbor / porch alteration, the one that is the most concerning to the Staff is the use of the arched canopy. While there are examples of lattice (and other design elements) used as screening in the District, the Staff is concerned that the arched canopy is too contemporary of a design element. While there might be other options available for the actual covering of the stairs, the Staff finds that a small gable (using the same orientation and angle as the existing arch) would accomplish the same level of protection and be compatible with the architectural style and form of the existing house.

The Staff would recommend the approval of the variance for the use of alternative materials, design, and location of the arbor / porch alteration if an alternative roof / covering design is used that is compatible with the house style and form.

Setbacks of the Arbor / Porch Alterations

The setbacks of the arbor / porch alteration are 6 ft. from the front property line along Gaskill Street and 20.5 ft. from the side property line along Iswald Street. The Applicant noted in their materials that their lot is one of the larger “Mill House” lots along Gaskill Street which is also documented by a review of the City’s cadastral maps. The Applicant provided setback information about the other property at the Iswald Street / Gaskill Street corner, which is 5 ft. 10 in. from Iswald Street. At the other end of the block face, at the corner of Gaskill Street and Berean Street, the house is 2 ft. 10 in. from Berean Street. Given that the subject house is a contributing structure, the side setback of the arbor / porch alteration meets the District regulations. Given the Staff’s recommendation regarding the front yard setback (i.e. the location discussed in the variance analysis above), the Staff finds that the setbacks of the arbor / porch alteration meet the District regulations.

The Staff would recommend approval of a revised design for the arbor / porch alteration that takes into account the variance recommendation above regarding the roof / covering design.

STAFF RECOMMENDATIONS

Staff Recommendation: Based on the following:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property, per Section 16-26.003(a),
2. The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003(b);
3. There are conditions are peculiar to the particular piece of property involved, per Section 16-26.003(c), and
4. Relief from the regulations would cause substantial detriment to the public good and partially impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003(d).

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-13-129) for a variance for alternative materials, design, and location of an arbor/ porch alteration that do not meet the District regulations, with the following condition:

1. An alternative roof / covering design shall be used that is compatible with the house style and form, per Section 16-20A.006(14).

Staff Recommendation: Based upon the following:

2. Except as noted above, the arbor / porch alteration meets the District regulations, per Section 16-20A.006 and 16-20A.009.

Staff recommends approval of the Application for Type III Certificates of Appropriateness (CA2-13-128) for an arbor / porch alterations at **615 Tye Street**, with the following conditions:

1. A revised design for the arbor / porch alteration shall be used that takes into account the variance recommendation above regarding the roof / covering design, per Section 16-20A.006(14); and
2. The Staff shall review, and if appropriate approve, the final design and supporting documentation.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 12, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-133) for a variance to allow a wall in the half depth front yard where otherwise prohibited and a special exception to increase the wall height from 4' (allowed) to 4'7" (proposed) at **110 Druid Circle** – Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Craig Eister
110 Druid Circle

Facts: According to the Inman Park Inventory form of August 2000, this house was built in 1910 and is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Inman Park Historic District.

1. General Criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. **Compatibility Rule:** The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback,

etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

2. Certificates of Appropriateness.

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

d. Type III Certificates of Appropriateness shall be required for:

- i. All new principal structures.

3. Variances, Special Exceptions, and Appeals.

Variance applications, applications for Special Exceptions, and appeals from these Regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in Chapter 26 of this Part 16. The Commission shall have the authority to grant or deny applications for Special Exceptions pursuant to the standards in Chapter 25. The Commission shall have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), shall also apply to the Commission's decision.

1. Fences and walls, excluding retaining walls, visible from a public street or park upon completion, subject to the provisions of Section 16-28.008(5) and the following limitations, may occupy required yards:
 - i. Fences not exceeding 4 feet in height may be erected in the front yard or half-depth front yard. Walls, excluding retaining walls, are not permitted in the front yard or in other yards adjacent to public streets.
 - ii. Fences and walls not exceeding 6 feet in height may be erected in side or rear yards.
 - iii. The Compatibility Rule shall apply to all fences located in a required front yard adjacent to a street. Such fences shall be constructed of brick, stone, ornamental iron, or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.
- m. The Compatibility Rule shall apply to portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The Compatibility Rule notwithstanding, no single section of such retaining wall shall exceed 4 feet in height.

Sec. 16-28.008. - Required yards and open space, detailed limitations on occupancy

(5) Walls or fences in required yards; height limits: Fences, walls or hedges may occupy required yards as follows; provided, however, that such fence, wall or hedge shall be maintained in a safe and sightly condition and that no such walls or fences create substantial impediments to visibility as prohibiting at section 16-28.008(9). The height of a retaining wall shall be measured as the greatest vertical length from one side of finished grade to the top of said adjacent retaining wall unless specified below.

(e) Special exceptions on greater height of walls or fences in required yards: The board of zoning adjustment may grant special exceptions in any district for greater heights only upon finding that:

1. Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood;
2. Such greater height is justified by requirements for security of persons or property in the area;
3. Such greater height is justified for topographic reasons; or
4. Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

The following variance and special exception justification was submitted by the Applicant:

Variance

I (Craig Eister) purchased the property at 110 Druid Circle in March 2007. My property is at the bottom of a U-shaped street, and therefore, a large part of the property touches Druid Circle in some way (see section (3) for more on this property tract). The rear or back yard of the property is enclosed by an area with borders including: a) a border on Druid Circle, (b) a border with the abandoned church directly behind our property (often referred to as Lizzie Chapel), (c) borders to two other homes (87 and 89 Druid Circle). When you exit the rear door of the home, you enter the space enclosed by these borders.

This petition pertains to the portion bordering Druid Circle. At the time of my purchase of this home, a wood fence already existed in the exact same footprint and height as being requested here. The only difference was to replace the old 'lattice-work' pattern with a 'picket' fence type pattern. The columns in between sections of the fence were not modified in any way. The reason for the replacement was that the state of the fence had deteriorated over time due to age, and also due to problems with other people and animals disrespecting the structure and creating a safety hazard (due to the foot traffic on Druid Circle). Thus, in order to maintain the appearance and upkeep of my property, and in order to provide security, safety, and privacy, I decided to replace the boards. I hired a contractor, received plans, and had the contractor apply for and receive a permit. The permit was posted and work was then completed to replace the lattice work pattern with a more picket fence pattern. In every other way, the fence is exactly as it existed when I purchased the property. More details of the hardship are listed in section (2) below. Only upon completion of the fence did I received word from the AUDC that I needed a variance.

The topography of the property is such that the portion of land where the house is built is significantly higher of an elevation than the portion I have defined as the rear or back yard. In other words, the property slopes down significantly from all the borders mentioned above, including the sidewalk on Druid Circle. Thus, if the fence was set back any further from the road, a significant re-grading would need to occur.

(1) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship?

The reason for having an enclosed back yard space on my property is to provide an area for my animals to play and exercise, as well as my family and elderly mother to sit on my back deck and patio, to be safe.

The lattice-work pattern that existed when the house was purchased created a safety hazard for both my family and my animals. There have been numerous instances of people walking aggressive animals that have lunged and sometimes damaged my fence in an attempt to get to my animals. The damage they created was such that, one animal lunging at my dogs dropped a Frisbee through the fence. I've had my animals nicked and bleeding. I caught one passerby throwing a rock through the lattice work at my animals. Therefore, my goal was to provide safety for my animals when I let them out the back door to run in the yard. Additionally, I care part time for my elderly Mother. When sitting on the back porch of my home, she has been approached by individuals calling through the fence to her asking for money and frightening her. People have attempted to reach through the lattice-work and unlock my gate. I believe this is intensified because Druid Circle is a main thoroughfare connecting Euclid and Edgewood Avenues to Highland, and we receive a large amount of foot traffic.

(2) What conditions are peculiar to this particular piece of property?

My property tract is unusual in that it lies on a U-shaped road. It is at the bottom of the U, and thus, has a large majority of the property facing or touching Druid Circle. Indeed, it would be impossible to create an enclosed, safe back yard place for my family or animals without having some portion facing Druid Circle.

Most other homes in the immediate area have the 'traditional' tract with the home facing the front and the back portion behind the house not touching the road in any way. However, there are homes within immediate distance that have solid privacy fences and walls directly facing the street.

Despite the unusual footprint of the property, I believe I should be able to keep the enclosed as a back or rear yard that ensures safety and security for my family and animals. As mentioned in (1), the grading and steep downward slope of the property facilitate the need to have a fence next to the sidewalk.

(3) Submit facts to show that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

I could have chosen to not act in any way to the deterioration of my fence, which in my mind would have been more hazardous to people/animals and also been detrimental to the neighborhood. My whole goal was to improve safety, as well as maintain the upkeep of the property.

When I did act, I did follow the correct procedures. I was hoping to provide a situation where I was not recreating the same problem – but correcting for it. The fence was contracted by a licensed contractor with specific plans where it was built board by board, and not a standard, pre-manufactured, section of fence. In this way, I believed I even more exhibited my commitment to the beauty and quality of the neighborhood.

Since the fence in question currently existed, replacing the fence boards should not change ability to exit the property in any way. Gates would be utilized in the same footprint as before, ensuring an exit.

Special Exception

(1) Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood.

The fence I built had existed at this height when I purchased the home in March of 2007. I am replacing the old boards with new boards of the same height. The requested fence does not adjoin other properties, but adjoins Druid Circle so does not impede on our neighbors. Security will be addressed in section (2) and compatibility will be addressed in section (4).

(2) Such greater height is justified by requirements for security of persons or property in the area;

The fence is utilized to enclose the rear/back portion of the yard for my animals and family. The area borders a high traffic area on Druid Circle, which is a major thoroughfare between Euclid/Edgewood Avenues and Highland Avenue. The goal is to provide safety for my animals, so that people will not be able to lean over the fence and taunt them or throw things at them. It also provides privacy and security for my elderly Mother to sit in the back porch and back patio in safety.

(3) Such greater height is justified for topographic reasons; or

(4) Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

There are 2 homes in immediate distance with walls and fences that exceed 4 feet bordering Druid Circle or Ashland Avenue. Therefore, I do not believe the height request is incompatible for the neighborhood. The fence is constructed with individual planks not pre-fabricated fence sections, with the goal of an even more tasteful view for the neighborhood.

Staff Response

Per regulations a fence that is no taller than 4' is allowed in the front and half depth front yard. The Applicant was approved for a 4' fence through a staff review, however what is on site is actually a wall that does not meet the height requirements. The existing wall replaced a previously existing non-historic lattice fence that was 4' 7".

As pointed out by the Applicant, this street is curved and the property in question is a corner lot with a great deal of the lot considered either a front yard or half depth front yard. Staff would note that as part of the Staff review application, retaining walls and landscaping was approved because of the topography and erosion issues on the lot. As the topography on the lot changes significantly from the house to the sidewalk, Staff finds more of the yard is exposed to the public than is usual on a flatter lot. The Applicant has raised concerns regarding the safety of his elderly mother, heavy foot traffic from Edgewood and Highland and the issues with both the Applicant's dogs and other dogs. Staff agrees the aforementioned concerns are a safety issue. As a concern regarding safety is one of the special exception criteria, Staff is in support of the request.

Staff finds the shape and the topography of the lot create an unusual circumstance. Staff finds the additional seven inches requested will not create a significant detriment. Staff further finds that having a wall instead of a fence, at the height requested, will not cause a significant detriment. Given the information we have at this time, Staff supports the variance.

Staff Recommendation: Based upon the following:

- 1) Except as noted above, the proposal meets the variance and special exception criteria, per Section 16-20.008(5)(e);

Staff recommends approval of applications for Type III Certificates of Appropriateness (CA3-13-133) for a variance to allow a wall in the half depth front yard where otherwise prohibited and a special exception to increase the wall height from 4' (allowed) to 4'7" (proposed) at **110 Druid Circle** – Property is zoned R-5/Inman Park Historic District (Subarea 1).



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 12, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-137) for a variance to allow a deck in the front yard and to allow a privacy wall in the front yard; and (CA3-13-138) for renovation and additions at **983 Boulevard**. Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Douglas Southern
983 Boulevard

Facts: According to the Grant Park Inventory sheet the house is considered non-contributing to the District and located on the northwest corner of Mead Street and Boulevard. While the house sits well back on the lot (and the entrance faces Mead Street), given that the Boulevard frontage is the shorter of the two frontages, the yard between the house and Boulevard would be considered the front yard and the area between the house and Mead Street would be considered the “half-depth” front yard. Both of these yards have the same requirements under the District regulations (half-depth front yards are considered the same as front yards in almost all cases). These yards would also be treated the same for other City zoning requirements.

According to the Applicant, when they recently bought the house the deck, front entrance stoop / porch facing Mead Street, and the other renovations to the house had already been completed. The Staff found no building permits or certificates of appropriateness on file for this work. After buying the house, the Applicant began installation of fences around the property without a building permit or certificate of appropriateness.

The following items are before the Commission at this time:

1. Variance to allow a deck in the front yard when decks are only permitted to the rear of the principal structure;
2. Variance to allow a privacy wall in the front yard when privacy walls are only permitted in the side or rear yards;
3. Renovations on the Boulevard façade of the house (siding and windows); and
4. Renovations and new front porch on the Mead Street side of the house (front porch, siding, windows, trim).

The Staff would note that the Applicant submitted variance paper work for two additional variances (related to the front porch and renovations on the Mead Street façade and the renovations to the Boulevard façade), but the Staff determined that a standard design review was the correct application process to follow for those issues.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

(1) *General Criteria.*

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.

(2) *Certificates of Appropriateness.*

- a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
- b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
- c. Type III Certificates of Appropriateness shall be required for:
 1. All new principal structures
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
- d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

(3) *Variances.* Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

Section 16-20K.007. Specific Regulations - Residential Subarea I

(1) *Development Controls.*

- a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- c. *Rear Yard:* Rear yard setback shall be seven (7) feet.

(2) *Architectural Standards.*

- A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential

design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

B. Design Standards and Criteria for New Principal Structures.

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four feet in height may be erected in a front yard. Other than retaining walls, walls shall not be erected in a front yard or a half-depth front yard.
 - b. Fences and walls not exceeding six feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

(C) Design Standards and Criteria for Alterations and Additions to Non-contributing Structures. Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variance Requests

The Applicant's variance justification was included in their application materials.

Variance to allow a deck in the front yard when decks are only permitted to the rear of the principal structure.

Given that the house is considered non-contributing to the District, the District regulations allow "alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B)".

While it is clear that the deck does not meet the criteria for new construction found in .007(2)(B) given its location, it is potentially possible to alter the deck to make it consistent with and to make it reinforce the architectural character of the existing structure. The Staff would note that having a sun-room, porch or patio to the side of the front façade (which visually is how the deck would be seen from Mead Street) is not unusual for 1940s / 1950s American Small Houses. However, a contemporary deck in place now would not be typical or consistent with the architectural character of the existing structure.

There are two characteristics that concern the Staff the most. First, the underside or "foundation" of the deck is completely exposed, which is a visually distinct from the foundation of the house. Second, the railing of the deck is a standard, current-day, stock design with side mounted pickets and no visual weight. This railing design is completely unrelated to the character of the existing house, including the railing on the front stoop.

As such, the Staff would recommend that the deck be given a "foundation" with an appearance similar to the foundation of the house and the railing is redesigned to include a large two part top rail and bottom rail with pickets butt jointed to the top and bottom rails.

Variance to allow a privacy wall in the front yard when privacy walls are only permitted in the side or rear yards.

According to the Applicant's materials they are willing to remove all of the 6 ft. tall fencing / privacy walls between the house and Boulevard and replace them with a 4 ft. high picket fence. This action would make the variance for the privacy wall unnecessary.

The Staff would recommend that all the fencing and walls on the property meet the District regulations as to height, type (fence vs. wall), location, and design.

Design Review

Renovations on the Boulevard façade of the house (siding and windows).

Renovations and new front porch on the Mead Street side of the house (front porch, siding, windows, trim).

While no year of construction is listed on the District inventory sheet, it would appear that the house was built in the late 1940s or early 1950s, just after World War II. This house could be classified by form as an "American Small House". Given that the house is considered non-contributing to the District, the District regulations allow "alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B)".

In this case, the Staff generally finds that the renovations to the Boulevard and Mead Street facades of the house are consistent with and reinforce the architectural character of the existing structure. The new siding maintains the wider reveal typically found on 1940s and 1950s houses (per-World War II homes usually have a smaller reveal). The nine-over-nine double hung windows and associated thin trim are also indicative of that time period and house form. Further, the simple design and trim of the front porch is also in keeping with the style and forms of houses from that era. The Staff would note that porches less than 10 ft. in depth can extend into the required front yard or in this case the required half-depth front yard. Lastly, the Staff would note that given the pre-existing nature of the entrance facing Mead Street some type of small stoop or porch would be required to allow access to and from the entrance.

The only concern the Staff would have about the Mead Street and Boulevard façade renovations is what appears to be the open-sided design of the front entrance stairs, which the Staff finds is not consistent with nor reinforces the architectural character of the existing structure. The use of exposed stringers is more typical of contemporary deck construction vs. 1940s / 1950s front stoops or porches.

The Staff would recommend that the stairs to the Mead Street entrance have closed sides similar in appearance to the foundation of the house.

STAFF RECOMMENDATIONS:

Staff Recommendation: Based upon the following:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property, per Section 16-26.003(a),
2. The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003(b);
3. There are conditions are peculiar to the particular piece of property involved, per Section 16-26.003(c), and
4. Relief from the regulations would cause substantial detriment to the public good and partially impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003(d).

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-13-137) for a variance to allow a deck in the front yard and to allow a privacy wall in the front yard at **983 Boulevard**, with the following conditions:

1. The deck shall be given a “foundation” with an appearance similar to the foundation of the house and the railing shall be redesigned to include a large two part top rail and bottom rail with pickets butt jointed to the top and bottom rails, per Section 16-20K.007(C);
2. All the fencing and walls on the property meet the District regulations as to height, type (fence vs. wall), location, and design, per Section 16-20K.007(B)(14); and
3. The Staff shall review, and if appropriate approve, the final design and supporting documentation.

Staff Recommendation: Based upon the following:

1. Except as noted above, the proposal meets the District regulations, per Section 16-20K.006 and 16-20K.007.

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-13-138) for renovation and additions at **983 Boulevard**, with the following conditions:

1. The stairs to the Mead Street entrance shall have closed sides similar in appearance to the foundation of the house, per Section 16-20K.007(C); and
2. The Staff shall review, and if appropriate approve, the final design and supporting documentation.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 12, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-139) for a new driveway and other site work at **2903 Macaw Street** - Property is R-4A/Whittier Mill Historic District.

Applicant: Mr. Kenneth Copeland (Cindy Silver, Agent
2903 Macaw Street

Facts: According to the Whittier Mill inventory, this house was around 1896 and is considered contributing.

Analysis: The following code sections apply to this application:

Sec. 16-20J.005. General regulations.

The following regulations shall apply to all properties within the Whittier Mill Historic District:

- (1) *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."
- (2) *Variances:* The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16, which provisions are hereby incorporated herein.

In addition to the general regulations set forth in section 16-20J.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
 - a. *When required:*
 1. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the public right-of-way: foundations, siding, chimneys and roofs;

2. To change the exterior appearance of the following elements of the front facade of a structure: windows, doors, architectural details and porches. For the purpose of this chapter, front facade means the elevation of the building which faces the front yard as defined in code of ordinances section 16-28.007(3) and (4).
3. To erect a new structure;
- b. *Type required:*
 1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
- (7) **Paved Surfaces:**
 - a. The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.
 - b. Where no sidewalks existed historically, no new sidewalks shall be installed.
- (8) **Off-Street Parking Requirements:**
 - a. Off-street parking shall not be permitted in the front yard.
 - b. Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side of the street shall apply to the construction of a carport or garage.

The lot in question fronts 80.7' on Macaw Street and has a depth of 97.6' on its longest side. The Applicant is proposing to remove an existing gravel drive, brick edging and a large amount of landscaping in order to install a new driveway. Staff does not have concerns regarding the removal of the gravel and brick edging as the materials are likely not historic. The new driveway will be wider and longer than the existing driveway. As parking is not allowed in the front yard, Staff finds the proposed length of the driveway does not meet the regulations. Staff recommends the driveway be located no less than 20' past the front façade of the house in order to meet the regulations.

Staff has concerns regarding the width of the driveway. Although the proposed width is not prohibited by the regulations, Staff finds that the width of the driveway should only be wide enough to accommodate one car. Further, by removing all of the landscaping on the right, there will now be the appearance of a side by side driveway with no landscaping in between. Staff suggests the proposed driveway be no wider than 10'. The material of the driveway is not indicated. Staff recommends an appropriate driveway material is indicated on the plans. Per underlying zoning, the maximum lot coverage allowed is 55%. Staff recommends the lot coverage calculations are indicated on the plans.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations, with the exception of the notes above, per Section 16-20J.005 and 16-20J.006.

Staff recommends approval of Application for a Type II Certificate of Appropriateness (CA2-13-139) for a new driveway and other site work at **2903 Macaw Street** - Property is R-4A/Whittier Mill Historic District, with the following conditions:

1. The driveway shall be located no less than 20' past the front façade of the house, per Section 16-10J.006(7) and (8);
2. An appropriate driveway material shall be indicated on the plans;
3. The site plan shall indicate the lot coverage calculations, per Section 16-06A.008(6); and
- 4 Staff shall review and if appropriate, approve the final plans.



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MAYOR

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55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 12, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-140) for window replacement and other renovations at **718 Lexington Avenue**- Property is zoned R4-A/Adair Park Historic District.

Applicant: Tristan Al-Haddad
718 Lexington Avenue

Facts: According to the Adair Park Inventory this single family dwelling built in 1922 is considered a contributing structure.

Analysis: The following code sections apply to this application:
Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:

Sec. 16-20I.005. General regulations.

The following regulations shall apply to all properties within the Adair Park Historic District.

1. *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."

Sec. 16-20I.006. Specific regulations--Residential Subarea I.

In addition to the general regulations set forth in section 16-20I.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

1. *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
 - (a) *When required:*
 1. To change the exterior appearance of any portion of a structure within the subarea, when said change can be seen from the public right-of-way;
 2. To erect a new structure or to make an addition to any structure within the subarea, when said new structure or addition can be seen from the public right-of-way; and
 3. To demolish or move any contributing structure, in whole or in part, within the subarea.
 - (b) *Type required:*
 1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).

2. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under subsection 16-20I.006(1)a. above shall be those specified in section 16-20.008 of the zoning code, provided, however, that a partial demolition shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
2. *Lot Size:* In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this chapter 20I shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.
4. *Architectural Standards:*
 - (b) *Windows and Doors:*
 1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
 2. Original window and door openings shall not be blocked or enclosed, in whole or in part.
 3. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size with no more than a one-inch width or height difference from the original size.
 4. Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
 5. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
 6. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ten (10) percent.
 7. The scale, size, and proportion of all openings in new construction shall be established by the compatibility rule with a permitted differential of ten (10) percent.
 8. New windows or doors added to existing structures shall be located on sides or to the rear of buildings, rather than on the front.

The Applicant is proposing to replace all of the existing windows in the house. According to the Applicant there are nineteen original windows and two windows that are replacements. As the replacement windows are not original or historic, Staff has no concerns regarding the proposed replacements. In regards to the original windows, Staff has concerns. In looking at the pictures submitted by the Applicant, the windows appear to need repair, however it does not appear the replacement is warranted. According to the Applicant, there is a concern regarding the lead paint, energy efficiency and cost.

Given the age of the windows, Staff finds that having to deal with lead paint as a part of the repair is not at all unique and not a reason to replace the windows. In regards to energy efficiency, Staff finds there are other ways to increase the energy efficiency of a home without replacing the windows. According to the Applicant, the cost of repairing the windows is too expensive in comparison to the installation of new windows. The Applicant did not provide a cost analysis, therefore Staff cannot comment on the concerns regarding cost. Given the information we have at this time, Staff cannot support the replacement of the original windows. Staff recommends all original windows are repaired and retained.

Staff Recommendation: Based upon the following:

- (a) Except as noted above, the plans meet the regulations per Section 16-20I.005 and 16-20I.006;

Staff recommends approval of the Application for a Type II Certificate of (CA2-13-140) for window replacement and other renovations at **718 Lexington Avenue**- Property is zoned R4-A/Adair Park Historic District, with the following conditions:

1. All original windows shall be repaired and retained, per Section 16-20I.006(4)(b)(1) and(3).



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404-330-6145 – FAX: 404-658-7491
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Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 12, 2013

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-13-143) for additions, renovation and site work at **858 Oakdale Rd**– Property is zoned Druid Hills Historic District.

Applicant: Chris Hamilton
676 Seminole Avenue, Suite #303

Facts: According to the architectural survey in 2002, this dwelling built in 1915 is contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark buildings and sites:

(b) To change the exterior appearance of any structure within any Landmark District;

Per Section 16-20B.003 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater.. Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

- (5) *Minimum architectural controls:* Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation

REHABILITATION IS DEFINED AS the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Sec. 16-20B.006. Springdale/Oakdale/Lullwater

The following regulations shall apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

(1) Permitted principal uses and structures:

- a. Single-family dwellings.
- b. Parks, playgrounds and community buildings owned and operated by a governmental agency.

(3) Minimum lot requirements:

- a. *Lot width:* Each lot shall have a minimum lot width of 100 feet.
- b. *Lot area:* Each lot shall contain a minimum lot area of 38,000 square feet.

(4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.

(5) Minimum yard requirements:

- a. Setbacks:
 3. West side of Oakdale Road, Ponce de Leon Avenue to city limit:
Front yard: 110 feet.
Side yards: 20 feet.
Rear yard: 100 feet.

The Commission reviews alterations to any structure within the district, whether or not said alterations can be seen from the public right-of-way

Site

According to the site plan submitted, the existing lots fronts 110.05' on Oakdale Road and has a depth of 534.87' on its longest side. In looking at the City records, there is a slight difference in the depth. As the Office of Buildings will not issue a permit with a site plan that does not match the City records, Staff suggests the Applicant contact the Office of Planning subdivision staff to resolve the discrepancy.

Per regulations, the side yard setback shall be no less than 20'. Staff finds the side yard setback requirement has been met. Per regulations, the rear yard setback shall be no less than 100'. Staff finds the rear yard setback requirement has been met. Per regulations the maximum lot coverage allowed is 35%. While Staff finds it likely the project meets the lot coverage requirement, Staff recommends the lot coverage calculation is indicated on the plans.

Alterations

The Applicant is proposing renovations and additions on the rear of the home. Specifically, the Applicant is proposing to enclose the existing sleeping porch, expand the existing screen porch, add a small vestibule off the kitchen and add a mudroom. In general, Staff finds the massing, height, location and materials of the proposed additions are appropriate. Staff finds it likely the proposed additions will not be seen from the street and therefore will not have a negative impact on the streetscape. Staff finds the change in the siding size will help differentiate the additions from the existing historic portion of the home. Staff is generally supportive of the proposed additions.

The Applicant is proposing to remove exterior access to the basement. Staff finds this is a minor change and will not have a significant impact on historic materials. Staff has no concerns regarding the removal of the basement access. The Applicant is proposing to remove and replace a vinyl window. As the vinyl window is not original or historic, Staff has no concerns regarding the replacement of the vinyl window. The Applicant is proposing to remove one window and add two windows on the left side rear. Staff has no concerns with adding an additional window, however Staff finds the historic window opening should be retained. Staff recommends the historic window opening on the left side elevation is retained.

The Applicant is proposing to remove the siding on the sleeping porch and enclose it with casement windows. Staff finds the proposed alterations and windows are appropriate. The Applicant is proposing to remove the chimney at the rear of the house and add a new chimney on the side of the house. As there is no addition on this side of the house, it is not clear why removing the chimney is necessary. As the existing chimneys are historic and one of the defining features of the house, Staff recommends the rear chimney is retained.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006.

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-13-143) for additions, renovation and site work at **858 Oakdale Rd**– Property is zoned Druid Hills Historic District, with the following conditions:

1. The lot coverage calculation shall be indicated on the plans, per Section 16-20B.006(4);
2. The historic window opening on the left side elevation shall be retained, per Section 16-20B.003(5);
3. The rear chimney shall be retained, per Section 16-20B.003(5); and
4. Staff shall review and if appropriate, approve the final plans.



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Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 12, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-145) for alterations and an addition at **625 Cameron Street**– Property is zoned R-5/Grant Park Historic District.

Applicant: John Ritger
625 Cameron Street

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1926 is considered contributing.

In 2000, a Certificate of Appropriateness was approved to allow a side addition to the existing house.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;

Per Section 16-20K.007:

- (1) *Development Controls.*
 - (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
 - (C) *Rear Yard:* Rear yard setback shall be seven feet.
 - (D) *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.
 - (2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.

5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.

14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:

- a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
- b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
- c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
- d. The finish side or front side of one-sided fences shall face the public street.

d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

(D) *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this is an interior lot, Staff will only make comments regarding the street facing facades.

Site

According to the site plan submitted by the Applicant, this lot fronts 87.03' on Cameron Street and has a depth of 140.29' on its longest side. As the footprint of the addition will not change, Staff has no concerns regarding setbacks or lot coverage. Per underlying zoning, the maximum FAR (floor area

ratio) allowed is .50 of the net lot area. The FAR is not indicated. Staff recommends the project meet the FAR requirements.

Alterations

The Applicant is proposing to raise the ridge height of the existing roof by 2.5' to accommodate additional living space. Staff has a concern with the proposed roof proposal as raising the height of the roof will alter the appearance of the historic house. Currently, there is an appropriate proportion between the roof and the house. By raising the roof, Staff finds the proportion of roof to house is not appropriate, makes the house look smaller and makes the roof a more dominant feature.

Staff finds the proposed alteration does not reinforce the historic character of the house and is not compatible with scale and massing of the existing roof. Given the size of the lot, Staff finds there are other alternatives to accommodate the space the Applicant needs while also allowing the front façade to retain as much of its historic character as possible. The Applicant raises concerns regarding the cost of other alternatives. Staff suggests the Applicant provide a costs analysis regarding some different alternatives. Given the information we have at this time, Staff recommends the Applicant submit an alternative design that does not include raising the height of the existing roof.

Staff Recommendation: Based upon the following:

1) The plans minimally meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the application for a Type III Certificate of (CA3-13-145) for alterations and an addition at **625 Cameron Street**– Property is zoned R-5/Grant Park Historic District, with the following conditions:

1. The project shall meet the FAR requirements, per Section 16-06A.008(5)(a);
2. The Applicant shall submit an alternative design that does not include raising the height of the existing roof, per Section 16-20K.007(2)(D); and
3. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 10, 2013

REVISED

June 12, 2013

(Revised text shown in italic.)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-125) to allow an addition that is taller than the existing house and to allow the use of another block face as a point of comparison for setbacks of a rear addition and (CA3-13-061) for a two-story addition and renovations at **265 Tye Street** – Property is zoned Cabbagetown Landmark District (Subarea 3).

Applicant: Kevin Maher
142 Savannah Street

Facts: According to the survey work in May 2002 in the District, the house is a contributing building and was classified as a “shotgun”. The house was built about 1920. The house appears to have had few alterations, but does include a poorly built addition at the rear of a larger, earlier, rear addition. The siding, the remaining windows, doors, trim, etc. appear to be in good condition.

The subject property is one of three single family houses on the block face, which is the west side of Tye Street between Memorial Drive to the south and Gaskill Street to the north. The other properties on the block face are classified as cottages; a “gabled wing cottage” at #267 and a “New South Cottage” at #251.

For the purposes of compatibility rule comparison, the Staff does not differentiate between individual architectural styles in the Subarea, but rather groups all shotgun house types together as the “same architectural style” and all cottages as the “same architectural style”. The Staff would note that given the existing house is contributing, its setbacks can also be included in the range of smallest and largest.

As noted on their submission and elevations, the Applicant proposes to:

- Install a new brick sidewalk;
- Install a tire strips for an off-street parking area south of the existing house;
- Install a concrete walkway from the public sidewalk to the front porch stairs;
- Remove the existing chain link fencing on the property;

- Install a new, 6 ft. high, wood privacy fence along the south property line;
- Demolish the deteriorated, most-rear addition;
- Parge coat the foundation of the existing house with stucco;
- Re-roof existing house;
- Replace the front door screen door;
- “Existing house exterior to be repaired where wood is damaged”;
- Replace the deteriorated or missing windows on the existing house;
- Build a side deck at the northwest corner of the house; and
- At the rear of the house earlier addition, build a two-story, gabled-roof addition with a rear concrete patio.

At the April 10, 2013 Commission meeting the Applicant deferred the application to address the concerns noted in the Staff Report. On May 2, 2013, the Applicant submitted a variance request and a revised design / supporting documentation to address some of the concerns of the Staff Report. This variance application and this new information is addressed in this revised Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the Cabbagetown Landmark District.

Certificates of Appropriateness within this district shall be required as follows:

(1) When required:

- a) To change the exterior appearance of any portion of a structure within the district;
- b) To erect a new structure or to make an addition to any structure within the district;
- c) To demolish or move any contributing structure, in whole or in part, within the district;
- d) To construct off-street or off-site parking;

(2) Type required:

- a. When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure’s historic interpretability or importance.

Per Section 16-20A.006 (General Regulations) of the Atlanta Land Development Code, as amended, the following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: “The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the

largest such dimension of the contributing buildings of the same architectural style and like use in that block face.”

- b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
- a) General criteria:
 - 2. The general façade organization and proportions shall be subject to the compatibility rule.
 - 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - b) Facades:
 - 1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
 - 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
 - 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
 - 4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 - 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
 - c) Roofs:
 - 1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
 - 2. Skylight and solar panels are not permitted on the front façade of any structure. “Bubble type” skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
 - 3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.

4. Boxed gable returns are not permitted.
 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.
 - e. *Porches:*
 1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
 - f. *Site development, sidewalks and curbs:*
 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 3. Curbing shall be granite; poured concrete shall not be used.
 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:
- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
 - d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
 - e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.
- (18) Fences and walls.
- a) Fencing, walls, and retaining walls are subject to design review by the commission.
 - b) Fences shall not exceed four feet in the front or the half-depth yards.
 - c) Fences and walls shall not exceed six feet in the side or rear yards.
 - d) Fences shall be constructed of wood or chain link. Barbed wire and razor wire are prohibited.
- (19) Off-street and off-site parking.
- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
 - b) The number of required parking spaces is set out in each subarea.
 - d) Off-street parking shall not be located or authorized between the principal building and the street.
 - e) Off-street parking may be located in a rear or side yard.
 - f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
 - g) Carports or garages that serve a single dwelling unit shall be permitted if detached from and located to the rear of the main structure. If the structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage.
 - j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.

Per Section 16-20A.009 (Shotgun and cottage housing - subarea 3), the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea.

These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- (1) *Shotgun Housing.* Shotgun housing is a style typified by simple structures whose width is no more than that of one room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
- (3) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
- (7) Maximum building height and width. The compatibility rule shall apply.
- (8) Floor area ratio. The floor area ratio shall not exceed 0.50.
- (9) Roofs
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) Porches.
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
- (13) *Fencing and walls.*
 - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right-of-way.
 - c) Walls shall be constructed of wood.
- (14) *Driveways and surface parking areas.*
 - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
 - b) Driveways shall not exceed ten feet in width and shall have a curb cut no more than ten feet, exclusive of flair.
 - c) At least one-third of any driveway or surface parking area shall be pervious.
 - d) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
 - e) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

Per Section 16-26.003:

- (1) *Findings Required:* Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;*
 - (b) *The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;*
 - (c) *Such conditions are peculiar to the particular piece of property involved; and*
 - (d) *Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.*

Variance Analysis

The Applicant submitted two variance requests; one asking for the height of the addition to exceed the height of the existing house and the second to allow for other points of comparison for the rear addition setbacks.

Taking the second part of the variance first, the Staff finds that the Applicant has meet the variance criteria for using other points of comparison given that the subject property is the only shotgun house on the subject block face, providing no opportunity for making any additions to the house. Given the very limited point of comparison on the block face, the Staff finds that the block face selected by the Applicant (the west side of Savannah Street) is an appropriate point of comparison.

The Staff would recommend approval of that the portion of the variance related to the use of another block face for additional points of comparison for the rear additions setbacks.

However, given the Staff's recommendation of the acceptance of the other block face for additional points on comparison, the Applicant's argument regarding the height of the addition (i.e. exceeding the height of the existing house) does not meet the variance criteria. The block face chosen by the Applicant includes rear yard setback distances that would allow for a much deeper addition than currently proposed, thus negating the need to put the desired additional floor space in a two-story addition with a smaller footprint. The Applicant argues that "keeping within the established building setbacks" limits the options for the footprint of the addition. While the Staff acknowledges that the width limitation in the District regulations would in fact do that, the addition block face provides significant flexibility regarding the rear yard setback without needing any additional variances. The Staff would add that the three houses cited as examples by the Applicant as precedent are located on lots with less depth making deeper, one-story additions much more difficult.

The Staff would recommend denial of that portion of the variances related to the addition's height exceeding that of the existing house.

Site Work

Install a new brick sidewalk.

The Staff would recommend that the proposed brick sidewalk shall laid in a concrete base and have a brick pattern found on abutting properties or elsewhere in the District.

The revised design addresses this concern.

Install a tire strips for an off-street parking area south of the existing house.

The Staff has no concerns about the design, material, or location.

Install a concrete walkway from the public sidewalk to the front porch stairs.

The Staff has no concerns about the design, material, or location.

Remove the existing chain link fencing on the property.

The Staff has no concerns about this action.

Install a new, 6 ft. high, wood privacy fence along the south property line.

The Staff has no concerns about the design, material, or location.

Renovations to the Existing House

Demolish the deteriorated, most-rear addition.

The addition at the rear of the house that is proposed for demolition appears to be an enclosed rear porch, which itself has been altered since its enclosure. The Staff would note that an enclosed porch on the rear façade of a house with a dominant front-to-back gable roof and does not increase the interpretability of the house beyond that it had a rear porch, which is fully expected and not unusual in the District. As such, the Staff finds that the demolition of the rear shed addition will not result in the loss of significant architectural features which would destroy the structure's historic interpretability or importance.

Parge coat the foundation of the existing house with stucco.

The Staff would recommend that any remaining brick columns in the foundation are not covered with stucco.

The revised design addresses this concern.

Re-roof existing house.

The Staff has no concerns about this action.

Replace the front door screen door.

The Staff would recommend that the new screen door not unnecessarily obscure the existing front door or trim.

The screen door has been removed from the proposed design.

“Existing house exterior to be repaired where wood is damaged”.

Replace the deteriorated or missing windows on the existing house.

While the Staff generally finds that the proposed replacement techniques are appropriate and meet the District regulations, the Staff is concerned about what is being repaired, replaced or patched for two reasons. No close-up photographs are provided of the existing windows or other potentially deteriorated features. It appears that either side windows have been replaced or partially covered. The front window appears to be in good condition, but whether it is original or historic to the house is unclear. Further, much of the exterior trim and siding appears in good condition.

As such, the Staff would recommend that the Applicant document that all those elements or portions of elements proposed for replacement are either non-original or non-historic to the home, or are in a state of deterioration that requires replacement. The Staff would further recommend that based on this further documentation, those elements that are original or historic to the house, or in good condition are repaired in kind rather than replaced.

The Staff would recommend if the documentation supports replacement of the windows, the replacement windows have true divided light pattern based on original windows of similar houses in the District. The Staff would further recommend that if the documentation supports replacement of an architectural element, the replacement shall be in-kind in all respects.

While the Applicant provided sufficient documentation to address the concerns about the replacement of the windows, there was no additional information provided about the trim and other architectural elements. Also, the Staff finds that the replacement window should still match the true divided light pattern of original windows of similar houses in the District. The Staff would retain its previous recommendations.

Build a side deck at the northwest corner of the house.

Decks are permitted on the side or rear of the house, but only if they are not visible from the street. The Staff finds that the proposed deck will be visible from Tye Street and thus not permitted by the

District regulations. The Staff would recommend that the deck on the north façade of the house be removed from the proposed design.

The deck has been removed from the proposed design.

Rear Addition

The Staff has several substantial concerns about the rear addition.

First, the District regulations specifically require that additions be no wider or taller than the existing structure. While the proposed addition is not wider than the existing house, it is substantially taller than the existing house. The Staff would note that the existing two-story additions included in the Applicant's submission were either built prior to the change in the District regulations which precluded such additions or obtained a variance from the District regulations to allow them to be built. The Staff would recommend that the two-story addition be redesigned into an addition that is not taller than the existing house or that a variance be secured from the Commission to allow the addition at its current height.

Given the Staff's recommendation regarding the variance request, the Staff would recommend that the addition be re-designed to be no taller than the existing house.

Second, the compatibility rule requires that setbacks be "no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face". Also as noted above, the Staff groups shotguns into one "architectural style" and cottages into another "architectural style" for the purposes of the compatibility rule comparisons. Given that there is only shotgun on the block face, (the subject property) there is not range of setbacks to be within; the setbacks of the rear addition must match that of the existing house. While it is possible for that to be the case with the side yard setbacks even with the house slightly askew on the lot, by definition a rear addition will be closer than the rear setback of the existing house. The Staff finds that the rear addition's setbacks do not meet the District regulations. The Staff would recommend that the Applicant request a variance to be allowed specific, additional points of comparison for the setbacks of the rear addition.

Given the Staff's recommendation regarding the variance request, the Staff no longer has concerns about the setbacks of the rear addition.

Third, the side elevations will have few windows similar in size to the existing house. This creates areas of un-articulated, solid lengths of wall. The Staff finds that these long, un-articulated, lengths of wall are not compatible with the District and would visually overwhelm the original house's presence on the property. Further, two of the windows that are proposed are oddly placed on the north side of the addition. The Staff would recommend that the addition's fenestration pattern be redesigned to be more compatible with the existing house's fenestration pattern.

While the fenestration pattern has been changed on the still proposed two-story addition, the Staff would retain its previous recommendation given its recommendation that the addition be redesigned to not be any taller than the existing house.

Notwithstanding the substantial issues with the rear addition noted above, the floor area ratio with the addition is well below the maximum of .50 established by the District regulations.

Notwithstanding the substantial issues with the rear addition noted above, the rear addition's front-to-back gable roof has the same pitch and shape as the house. The addition's other, non-window architectural elements and materials meet the District regulations as they are completely based on and will mimic those found on the existing house.

Staff Recommendation: *Based on the following:*

1. *There are some extraordinary and exceptional conditions pertaining to the particular piece of property, per Section 16-26.003(a),*
2. *The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would partially create an unnecessary hardship, per Section 16-26.003(b);*
3. *Some conditions are peculiar to the particular piece of property involved, per Section 16-26.003(c), and*
4. *Relief from the regulations would partially cause substantial detriment to the public good and partially impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003(d).*

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-13-125) to allow an addition that is taller than the existing house and to allow the use of another block face as a point of comparison for setbacks of a rear addition, with the following condition:

1. *The rear addition shall be no taller than the existing house.*

Staff Recommendation: Based upon the following:

2. Except as noted above, renovations meet the District regulations, per Section 16-20A.006 and 16-20A.009.
3. The proposed addition does not meet the District regulations, per Section 16-20A.006 and 16-20A.009.

Staff recommends approval of the Application for Type III Certificates of Appropriateness (CA3-13-061) for a two-story addition and renovations at **265 Tye Street**, with the following conditions:

1. The Applicant shall document that all those elements or portions of elements proposed for replacement are either non-original or non-historic to the home, or are in a state of deterioration that requires replacement, per Section 16-20A.006(14);
2. That based on this further documentation, those elements that are original or historic to the house, or in good condition shall be repaired in kind rather than replaced, per Section 16-20A.006(14);
3. If the documentation supports replacement of the windows, the replacement windows shall have true divided light pattern based on original windows of similar houses in the District, per Section 16-20A.006(14);
4. If the documentation supports replacement of an architectural element, the replacement shall be in-kind in all respects, per Section 16-20A.006(14);
5. *The two-story addition shall be redesigned into an addition that is not taller than the existing house, per Section 16-20A.006(14)(d);*
6. The addition's fenestration pattern shall be redesigned to be more compatible with the existing house's fenestration pattern, per Section 16-20A.006(14); and
7. *The Staff shall review, and if appropriate approve, the final design and supporting documentation.*



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 24, 2013

REVISED

June 12, 2013

(Revised text shown in italic.)

Agenda Item: Applications for Type III Certificates of Appropriateness (*CA3-13-141*) to allow the use of another block face as a point of comparison for setbacks of a rear addition and (*CA3-13-075*) for renovations, addition, and site work at **267 Tye Street** – Property is zoned Cabbagetown Landmark District (Subarea 3).

Applicant: Kevin Maher
142 Savannah Street

Facts: According to the survey work in May 2002 in the District, the house is a contributing building and was classified as a “gabled wing cottage”. The house was built about 1920. The house appears to have had few alterations, but does include a rear addition with substantial deterioration. On the main house, siding, the remaining windows, doors, trim, etc. appear to be in good condition, though Applicant notes racking of the structural system, and water-created deterioration of framing members.

The subject property is one of three single family houses on the block face, which is the west side of Tye Street between Memorial Drive to the south and Gaskill Street to the north. The other properties on the block face are classified as a “New South Cottage” at #251 and a Shotgun at #265.

For the purposes of compatibility rule comparison, the Staff does not differentiate between individual architectural styles in the Subarea, but rather groups all cottage house types together as the “same architectural style” and all shotguns as the “same architectural style”. The Staff would note that given the existing house is contributing its setbacks can also be included in the range of smallest and largest.

As noted on their submission and elevations, the Applicant proposes to:

- Install a new brick sidewalk;
- Install a tire strips for an off-street parking area south of the existing house;
- Install a concrete walkway from the public sidewalk to the front porch / front porch stairs;
- Install a new, 6 ft. high, wood privacy fence along the south property line;
- Demolish the deteriorated, most-rear addition;

- Parge coat the foundation of the existing house with stucco;
- Re-roof existing house;
- Install new, wood porch railings;
- Replace two of the three doors with half glass, half wood panel front doors;
- “Existing house exterior to be repaired where wood is damaged”;
- Replace the deteriorated or missing windows on the existing house;
- Replace one of the three front doors with a window;
- Remove and re-install the exterior siding to allow for installation of sheathing and house wrap;
- At the rear of the house earlier addition, build a hipped-roof addition with a rear concrete patio.

At the April 24, 2013 Commission meeting the Applicant deferred the application to address the concerns noted in the Staff Report. On May 20, 2013, the Applicant submitted a variance request and a revised design / supporting documentation to address some of the concerns of the Staff Report. This variance application and this new information is addressed in this revised Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the Cabbagetown Landmark District.

Certificates of Appropriateness within this district shall be required as follows:

(1) When required:

- a) To change the exterior appearance of any portion of a structure within the district;
- b) To erect a new structure or to make an addition to any structure within the district;
- c) To demolish or move any contributing structure, in whole or in part, within the district;
- d) To construct off-street or off-site parking;

(2) Type required:

- a. When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure’s historic interpretability or importance.

Per Section 16-20A.006 (General Regulations) of the Atlanta Land Development Code, as amended, the following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: “The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face.”
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.

- c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
- a) General criteria:
 - 2. The general façade organization and proportions shall be subject to the compatibility rule.
 - 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - b) Facades:
 - 1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
 - 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
 - 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
 - 4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 - 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
 - c) Roofs:
 - 1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
 - 2. Skylight and solar panels are not permitted on the front façade of any structure. "Bubble type" skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
 - 3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
 - 4. Boxed gable returns are not permitted.
 - 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

- e. *Porches:*
 - 1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 - 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 - 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 - 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
 - f. *Site development, sidewalks and curbs:*
 - 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 - 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 - 3. Curbing shall be granite; poured concrete shall not be used.
 - 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:
- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
 - d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
 - e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.
- (18) Fences and walls.
- a) Fencing, walls, and retaining walls are subject to design review by the commission.
 - b) Fences shall not exceed four feet in the front or the half-depth yards.
 - c) Fences and walls shall not exceed six feet in the side or rear yards.
 - d) Fences shall be constructed of wood or chain link. Barbed wire and razor wire are prohibited.
- (19) Off-street and off-site parking.
- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
 - b) The number of required parking spaces is set out in each subarea.
 - d) Off-street parking shall not be located or authorized between the principal building and the street.
 - e) Off-street parking may be located in a rear or side yard.
 - f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
 - g) Carports or garages that serve a single dwelling unit shall be permitted if detached from and located to the rear of the main structure. If the structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage.
 - j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.

Per Section 16-20A.009 (Shotgun and cottage housing - subarea 3), the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

2. *Cottage Housing.* Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and façade features, and consistent structure massing.
- (3) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
- (7) Maximum building height and width. The compatibility rule shall apply.
- (8) Floor area ratio. The floor area ratio shall not exceed 0.50.
- (9) Roofs
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) Porches.
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
- (13) *Fencing and walls.*
 - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right-of-way.
 - c) Walls shall be constructed of wood.
- (14) *Driveways and surface parking areas.*
 - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
 - b) Driveways shall not exceed ten feet in width and shall have a curb cut no more than ten feet, exclusive of flair.
 - c) At least one-third of any driveway or surface parking area shall be pervious.
 - d) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
 - e) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

Per Section 16-26.003:

- (1) *Findings Required:* Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;*
 - (b) *The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;*
 - (c) *Such conditions are peculiar to the particular piece of property involved; and*
 - (d) *Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.*

Variance Analysis

The Applicant submitted a variance request to allow for other points of comparison for the rear addition setbacks.

The Staff finds that the Applicant has meet the variance criteria for using other points of comparison given that the subject property is one of one of two cottage houses on the subject block face and the house sits on a very wide lot, providing an unusually large south side yard setback distance. Given the very limited point of comparison on the block face and the unusually sized lot on which the house sits, the Staff finds that the block face selected by the Applicant (the west side of Tye Street between Gaskill and Kirkwood) is an appropriate point of comparison.

The Staff would recommend approval of the variance related to the use of another block face for additional points of comparison for the rear additions setbacks.

Site Work

Install a new brick sidewalk.

The Staff would recommend that the proposed brick sidewalk shall laid in a concrete base and have a brick pattern found on abutting properties or elsewhere in the District.

The revised design addresses this concern.

Install a tire strips for an off-street parking area south of the existing house.

The Staff has no concerns about the design, material, or location.

Install a concrete walkway from the public sidewalk to the front porch / front porch stairs.

The Staff has no concerns about the design, material, or location.

Install a new, 6 ft. high, wood privacy fence along the south property line.

The Staff has no concerns about the design, material, or location.

Renovations to the Existing House

Demolish the deteriorated, most-rear addition.

The addition at the rear of the house that is proposed for demolition appears to be an enclosed rear porch, which itself has been altered and potentially expanded since its enclosure. The Staff would note that an enclosed porch on the rear façade of a house with a dominant front-to-back gable roof and does not increase the interpretability of the house beyond that it had a rear porch, which is fully expected and not unusual in the District. As such, the Staff finds that the demolition of the rear shed addition will not result in the loss of significant architectural features which would destroy the structure's historic interpretability or importance.

Parge coat the foundation of the existing house with stucco.

The Staff would recommend that any remaining brick columns in the foundation are not covered with stucco.

The revised design addresses this concern.

Re-roof existing house.

The existing house has diamond shaped, asbestos shingles, which is a distinctive roofing material and pattern. The District regulations, when specifically addressing roofing material, call for asphalt shingles but do not require that it be a certain design. The District regulations, though, also call for "replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale...". The Staff would recommend the new asphalt shingles have the same design, size, dimension, and scale as the existing asbestos diamond shaped shingles.

The Staff would retain its previous recommendation.

Install new, wood porch railings.

The Staff has no concerns about the design, material, or location.

Replace two of the three doors with half glass, half wood panel front doors.

“Existing house exterior to be repaired where wood is damaged”.

Replace the deteriorated or missing windows on the existing house.

While the Staff generally finds that the proposed replacement techniques are potentially appropriate and meet the District regulations, the Staff is concerned about what is being repaired, replaced or patched for two reasons. No close-up photographs are provided of the existing windows, doors, or other potentially deteriorated features. It appears that some original windows remain in various levels of integrity. Some windows appear to be in good condition, but whether they are original or historic to the house is unclear. Similar concerns would apply to the front doors, including the one proposed for complete elimination. Further, much of the exterior trim and siding appears in good condition.

As such, the Staff would recommend that the Applicant document that all those elements or portions of elements proposed for replacement or complete removal are either non-original or non-historic to the home, or are in a state of deterioration that requires replacement or removal. The Staff would further recommend that based on this further documentation, those elements that are original or historic to the house, or in good condition are repaired in kind rather than replaced or removed.

The Staff would recommend if the documentation supports replacement of the windows, the replacement windows have true divided light pattern based on original windows of similar houses in the District. The Staff would further recommend that if the documentation supports replacement of a door or architectural element, the replacement shall be in-kind in all respects.

While the Applicant has addressed the concerns about the windows, the Staff would retain its recommendation regarding the trim and other architectural elements.

Replace one of the three front doors with a window.

As with the other repair / replacement actions noted above, the Staff has concerns about this action, given that very little information has been provided about the current front door, including its condition and whether it is original or historic to the house. If the front door to be removed is in salvable condition and original or historic to the house, the Staff would recommend that it be fixed in place so as to retain the pattern of windows and doors on the house.

The revised design addresses this concern.

Remove and re-install the exterior siding to allow for installation of sheathing and house wrap.

The Staff has two concerns about the removal and reinstallation of the wood siding on the house. First, the submission materials contain conflicting information as to this action. The narrative states the siding work will be done as noted above. However, the elevations note new cementitious siding on all facades of the house. Second, it is not clear what type of siding will be installed on the original house, rightly assuming that not all of the siding will be able to be salvaged and reinstalled. The Staff would recommend the Applicant clarify the siding-related work and any new siding on the original house shall be wood siding with the same reveal, size, and shape as the existing siding.

The Staff would retain its previous recommendation.

Rear Addition

The Staff has several substantial concerns about the rear addition.

First, the District regulations specifically require that additions be no wider or taller than the existing structure. While the proposed addition is not wider than the existing house, it is taller than the existing house. The Staff would recommend that the addition be redesigned into an addition that is not taller than the existing house or that a variance be secured from the Commission to allow the addition at its current height.

The roof form of the proposed addition has been revised to address this concern.

Second, the compatibility rule requires that setbacks be “no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face”. As noted above, the Staff groups shotguns into one “architectural style” and cottages into another “architectural style” for the purposes of the compatibility rule comparisons. Given that there are two cottages on the block face, (the subject property and the New South Cottage at #251) there is only a limited range of setbacks to be within; the setbacks (both sides and rear) of the rear addition must fall within that limited range.

It is not clear from the information provided if the side yard setbacks (north and south) will be met, given that only one side yard setback is provided for #251 Tye Street and that one is not indicated as the north or south setback. Further, given the existing house is slightly askew on the lot, the addition’s side yard setback (i.e. the closest point to the side property line) is not the setback of the existing house even though the proposed house “follows” the façade lines of the existing house.

Also, there is not rear yard setback provided for #251 Tye Street and by definition a rear addition will be closer than the rear setback of the existing house. As a result, it is not clear if the rear yard setback of the proposed addition meets the District regulations either.

The Staff would recommend that the Applicant clarify all three setback ranges (north, south, and rear), determine if the proposed addition’s setbacks fall within the ranges, and if not either request a variance or redesign the addition accordingly.

Given the Staff’s recommendation regarding the variance, the Staff finds that the setbacks of the rear addition meet the compatibility rule using the additional points of comparison found the Tye Street block face.

Third, the side elevations will have few windows similar in size to the existing house. This creates areas of un-articulated, solid lengths of wall. The Staff finds that these long, un-articulated, lengths of wall are not compatible with the District and would visually overwhelm the original house’s presence on the property. Further, three of the windows that are proposed are square windows placed relatively high on the side facades of the addition. The Staff would recommend that the addition’s fenestration pattern be redesigned to be more compatible with the existing house’s fenestration pattern.

The revised design addresses this concern.

Notwithstanding the substantial issues with the rear addition noted above, the floor area ratio with the addition is well below the maximum of .50 established by the District regulations.

Notwithstanding the substantial issues with the rear addition noted above, the rear addition's hipped roof has the same pitch as the existing house. The addition's other, non-window architectural elements and materials meet the District regulations as they are completely based on and will mimic those found on the existing house.

Staff Recommendation: *Based on the following:*

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property, per Section 16-26.003(a),*
2. *The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003(b);*
3. *There are conditions are peculiar to the particular piece of property involved, per Section 16-26.003(c), and*
4. *Relief from the regulations would cause substantial detriment to the public good and partially impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003(d).*

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-13-141) to allow the use of another block face as a point of comparison for setbacks of a rear addition.

Staff Recommendation: Based upon the following:

1. Except as noted above, renovations meet the District regulations, per Section 16-20A.006 and 16-20A.009.
2. The proposed addition *meets* the District regulations, per Section 16 16-20A.006 and 16-20A.009.

Staff recommends approval of the Application for Type III Certificates of Appropriateness (CA3-13-075) for renovations, addition, and site work at **267 Tye Street**, with the following conditions:

1. The new asphalt shingles have the same design, size, dimension, and scale as the existing asbestos diamond shaped shingles, per Section 16-20A.006(14)(b);
2. The Applicant shall document that all those elements or portions of elements proposed for replacement or complete removal are either non-original or non-historic to the home, or are in a state of deterioration that requires replacement or removal, per Section 16-20A.006(14);
3. That based on this further documentation, those elements that are original or historic to the house, or in good condition shall be repaired in kind rather than replaced or removed, per Section 16-20A.006(14);
4. If the documentation supports replacement of a door or architectural element, the replacement shall be in-kind in all respects, per Section 16-20A.006(14); and
5. The Applicant shall clarify the siding-related work and any new siding on the original house shall be wood siding with the same reveal, size, and shape as the existing siding, per Section 16-20A.006(14); and
6. *The Staff shall review, and if appropriate approve, the final design and supporting documentation.*



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 - ATLANTA, GEORGIA 30303-0308
404-330-6145 - FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 12, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA3-13-103) for renovations and additions at **1048 Allene Avenue** - Property is zoned R4-A/Adair Park Historic District.

Applicant: April Ingraham
165 West Wieuca Road

Facts: According to the District inventory sheet this house is considered contributing to the District and was built in 1924. The house has a full width front porch, a front to back combination roof (gabled in front and hipped in back), and two, small front-facing gables. The house was built as a duplex, with two front doors within a symmetrical front façade.

At the May 8, 2013 Commission meeting, the Commission deferred this application to allow time for the Applicant to prepare a more complete submission and provide additional information about the proposal. On June 5, 2013, the Applicant submitted an updated set of drawings that included exterior elevations and a slightly expanded written scope of work. It is these updated materials that are addressed in this Staff Report.

Before the Commission at this time is the replacement of the front façade windows and doors, reconfiguration of the rear portion of the roof ("raise back wall of house up to 9' from end-to-end"), and repair the existing deck. Extensive interior renovations are also occurring but those are not subject to review by the Commission.

Analysis: The following code sections apply to this application:

Sec. 16-20.009. - Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.

- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:

Sec. 16-20I.002. - Scope of regulations.

- (a) The existing zoning map and regulations governing all properties within the Adair Park Historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (chapter 20I) shall apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20I) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the code of ordinances.
- (b) Except when otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district.

Sec. 16-20I.005. General regulations.

The following regulations shall apply to all properties within the Adair Park Historic District.

1. The Compatibility Rule: The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."

Sec. 16-20I.006. Specific regulations--Residential Subarea I.

In addition to the general regulations set forth in section 16-20I.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

1. Certificates of Appropriateness: Certificates of appropriateness within this subarea shall be required as follows:
 - (a) When required:
 1. To change the exterior appearance of any portion of a structure within the subarea, when said change can be seen from the public right-of-way;
4. Architectural Standards:
 - (a) Building facades:
 1. All new construction shall conform to the existing building orientation (setbacks) by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main facade shall face the principal street whenever possible.
 2. At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distances from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
 3. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
 4. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original is preferred; however, aluminum, masonite vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.
 - (b) Windows and Doors:
 1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.

2. Original window and door openings shall not be blocked or enclosed, in whole or in part.
 3. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size with no more than a one-inch width or height difference from the original size.
 4. Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
 5. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
- (c) Foundations:
- (d) Storm doors, storm windows, shutters and awnings:
- (e) Chimneys:
- (f) Roofs:
1. Roofing materials shall be of the same size, texture and materials as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
 2. Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
 3. The shape and pitch of roofs for new construction shall be subject to the compatibility rules.
- (g) Porches:
1. Architecturally significant porches, steps and stoops shall be retained.
 2. Replacement porches, steps and stoops shall match the original in size, style and materials.
 3. Porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
 4. Porches shall contain balustrades, columns and other features consistent with porches in that block.
- (k) Ornaments:
1. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, shall be retained.
 2. Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
 3. Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

Documentation Concerns

While the June 5, 2013 submission does include additional drawings and explanation, the Staff has several concerns about the submission:

- The front elevation drawing does not accurately depict the current design of the actual front elevation, including: the size of the small gables, the relationship between the small gables and the main roof form, all aspects of the architectural trim and ornamentation, window size, porch railing design, front porch stairs, and front door design.
- The site plan does not include the footprint of the front porch, the rear deck and stairs, and the existing walkways and other paved areas. Further, the site plan should note the lot coverage and floor area ratio calculations for reference, even though they appear to not be changing.
- The floor plan does not show the appropriate length of the front porch railing, likely given the error related to the size of the front porch gables.
- There are no photographs or other information provided about the windows or doors proposed for replacement as to their condition and why their replacement is proposed.
- There are no photographs clearly showing the rear portion of the house where the wall and roof will be raised.

While the Applicant has outlined a somewhat limited scope of work, without accurate design plans the extent of the scope of work is difficult to access. The Staff would recommend the Applicant prepare accurate and complete elevations, a floor plan, and a site plan, all with the standard architectural and design notes. The Staff would also recommend that the Applicant provide labeled photographs showing all of the windows and doors proposed for replacement, as well as the rear portion of the house.

Lastly, the Staff would recommend that the Applicant shall provide a clear and complete project description and work item listing of all proposed work on the property.

Windows and Door Replacement

Absent the concerns about the lack of documentation regarding the window and door work, the Staff finds that no rationale has otherwise been provided by the Applicant that would support the replacement work. The Staff is unclear as to what “unserviceable” and “unsafe” are describing. The Staff would recommend the Applicant provide additional information documenting the need for the replacement of the existing windows and doors. If such window and door replacement is warranted, the replacement shall be done in kind in all respects, including was not limited to the same size, light design (including true divided light construction), function (window only), and material. The Staff acknowledges that only one front door will be operable when the renovation is complete even though both front door openings will be retained as part of the renovation.

Rear Portion of the House

Given the lack of photographs, as built elevations, or detailed project description it is not clear exactly what will be done to the rear portion of the house. The Staff assumes that the shed roof will be removed and the wall extended somehow to the proposed height of 9 ft. It is also not clear how the siding will be treated in that area. Sections of new siding could be “toothed” in or all new siding could be added for the whole work area. Further, the Staff is concerned that the proposed work (as shown on the side elevations) will completely eliminate the existing distinction between the main house and what was previously a back porch or small addition.

The Staff would recommend the Applicant provide more details regarding the work at the rear portion of the house, including but not limited to the construction approach to raising the roof, treatment of the siding, and delineation of the end of the main portion of the house.

Staff Recommendation: Based upon the following:

(a) Except as noted above, the proposed work meets the regulations per Section 16-20I.005 and 16-20I.006;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA3-13-103) for renovations and additions at **1048 Allene Avenue** - Property is zoned R4-A/Adair Park Historic District, with the following conditions:

1. The Applicant shall prepare accurate and complete elevations, a floor plan, and a site plan, all with the standard architectural and design notes, per Section 16-20I.006(1) and (4);
2. The Applicant shall provide labeled photographs showing all of the windows and doors proposed for replacement, as well as the rear portion of the house, per Section 16-20I.006(1) and (4)(b);
3. The Applicant shall provide a clear and complete project description and work item listing of all proposed work on the property, per Section 16-20I.006(1) and (4);
4. The Applicant shall provide additional information documenting the need for the replacement of the existing windows and doors, per Section 16-20I.006(4)(b);
5. If such window and door replacement is warranted, the replacement shall be done in kind in all respects, including was not limited to the same size, light design (including true divided light construction), function (window only), and material, per Section 16-20I.006(4)(b);
6. The Applicant shall provide more details regarding the work at the rear portion of the house, including but not limited to the construction approach to raising the roof, treatment of the siding, and delineation of the end of the main portion of the house, per Section 16-20I.006(1) and (4)(a)(3) and (4); and
7. The Staff shall review, and if appropriate approve, the final plans and supporting documentation.